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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,737	01/06/2004	Allen DorEl	023243.0003US1	4748
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Rutan & Tucker, LLP. 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER EKPO, NNENNA NGOZI	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,737

Applicant(s)

DOREL, ALLEN

Examiner

NNENNA N. EKPO

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-44 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 45-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/13/2010 has been entered.

Response to Arguments

2. Applicant's arguments filed 01/13/2010 have been fully considered but they are not persuasive.
3. Applicant argues on pages 11+ of the 09/24/2008 Remarks that DorEI (U.S. Patent No. 5,721,951) fails to disclose "circuits for generating an output signal in response to the multimedia software program whereby said circuits are configured to read an instruction set wherein the instruction set comprises an installation script" as now recited in claims 1 and 17.

In response to argument, Examiner respectfully disagrees. DorEI discloses circuits for generating an output signal in response to the multimedia software program whereby said circuits are configured to read an instruction set wherein the instruction set comprises an installation script in col. 2, lines 57-col. 3, line 2, col. 5, lines 5-67 and fig. 3, a processor is capable of playing standard desktop computer multimedia software without alteration is housed in a home entertainment system chassis. Means are also

provided for generating one or more video output signals and audio output signals in response to the processing of the multimedia software program, and feeding those audio and video output signals to one or more presentation devices integrated within a home entertainment system.

4. Applicant also argues on pages 11+ of the 01/13/2010 Remarks that DorEI (U.S. Patent No. 5,721,951) fails to disclose "providing a lookup table or database used to automate the installation process in the form of a mass storage medium" as now recited in claim 33.

In response to argument, Examiner respectfully disagrees. DorEI discloses providing a lookup table or database used to automate the installation process in the form of a mass storage medium in col. 4, lines 24-31, col. 6, lines 1-10 and fig. 1, a software creates a lookup table entry for the title, including description of relevant machine and file states affected by the installation procedure, so that the new title can thereafter be played using the automated drop and play procedure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-12, 17-28 and 33-44** are rejected under 35 U.S.C. 102(b) as being anticipated by DorEI (U.S. Patent No. 5,721,951).

Regarding **claim 1**, DorEl discloses a multimedia apparatus configured for use in a home entertainment system, said apparatus comprising (see fig 1, col. 2, lines 57-60, col. 3, lines 65-67 and col. 4, lines 1-5):

a data communication link configured to receive a software program via a network; (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27) wherein the software programs are formatted and published for compatibility with standard computer platforms (see cited portion, but not limited to abstract, lines 1-8, col. 2, lines 51-56);

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21); whereby the processing device is capable of initiating the software program without alteration or additional configuration of the software program (see cited portion, but not limited to col. 2, lines 57-col. 3, line 2);

circuits for generating an output signal in response to the multimedia software program whereby said circuits are configured to read an instruction set wherein the instruction set comprises an installation script (see col. 2, lines 57-col. 3, line 2, col. 5, lines 5-67 and fig. 3, a processor is capable of playing standard desktop computer

multimedia software without alteration is housed in a home entertainment system chassis. Means are also provided for generating one or more video output signals and audio output signals in response to the processing of the multimedia software program, and feeding those audio and video output signals to one or more presentation devices integrated within a home entertainment system); and

an output means for providing audio and image data resulting from playing of the software program to the home system (see col. 2, lines 62-67).

Regarding **claim 17**, DorEl discloses a home entertainment system comprising (see col. 2, lines 57-62):

an input for receiving user commands (see col. 4, lines 57-63);

a display for presentation of image data (see col. 4, lines 42-47);

an audio circuit for presentation of audio data (see col. 4, lines 38-41);

one or more audio or video components for playing audio or video recordings (see col. 6, lines 35-49); and

a multimedia apparatus having capability of playing software programs, comprising (see col. 6, lines 66-67 and col. 7, lines 1-6):

a data communications link configured to receive a software program via a network; (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27) wherein the software programs are formatted and published for compatibility with standard computer platforms (see cited portion, but not limited to abstract, lines 1-8, col. 2, lines 51-56);

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21) whereby the processing device is capable of initiating the software program without alteration or additional configuration of the software program (see cited portion, but not limited to col. 2, lines 57-col. 3, line 2);

circuits for generating an output signal in response to the multimedia software program whereby said circuits are configured to read an instruction set wherein the instruction set comprises an installation script (see col. 2, lines 57-col. 3, line 2, col. 5, lines 5-67 and fig. 3, a processor is capable of playing standard desktop computer multimedia software without alteration is housed in a home entertainment system chassis. Means are also provided for generating one or more video output signals and audio output signals in response to the processing of the multimedia software program, and feeding those audio and video output signals to one or more presentation devices integrated within a home entertainment system); and

an output means for providing audio and image data resulting from the playing of the software program to the audio means and the display means (see col. 2, lines 62-67).

Regarding **claim 33**, DorEl discloses a method of executing a software program in a home entertainment system, said method comprising (see col. 9, lines 29-32):

providing a data communications link configured to receive software program from a network (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27); whereby the communications link provides access to interactive television services, video conferencing and instant replay of television transmission, interactive multimedia software programs and other multimedia medium (see cited portion, but not limited to col. 3, lines 16-27);

identifying the software program being read by the reading means (see col. 5, lines 39-47 and col. 12, lines 8-9);

determining whether the software program needs to be installed or has already been installed, and should it need to be installed, whether installation information relating to the software program being read by the reading means is available to be used to perform an automatic installation of the software program (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21);

beginning the playing of the software program if it has already been installed or automatically initializing an installation of the software program prior to executing the

software program if the installation is available (see fig 3 and col. 5, lines 55-67, col. 6, lines 1-21);

providing a lookup table or database used to automate the installation process in the form of a mass storage medium (see col. 4, lines 24-31, col. 6, lines 1-10 and fig. 1, a software creates a lookup table entry for the title, including description of relevant machine and file states affected by the installation procedure, so that the new title can thereafter be played using the automated drop and play procedure); and

providing audio and image data resulting from the playing of the software program to the home entertainment system (see col. 2, lines 62-67).

Regarding **claims 2, 18 and 34**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 33*). The multimedia apparatus wherein the network (wide area network) comprises the Internet (see col. 7, lines 19-27).

Regarding **claims 3, 19 and 35**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 33*). The multimedia apparatus further comprising a database containing installation information relating to software programs identifiable for playing by the multimedia apparatus, wherein the processing device is configured to determine whether installation information relating to the software program being read by the reading means is available to the processing device by looking up the database (see col. 3, lines 3-15).

Regarding **claims 4, 20 and 36**, DorEl discloses everything claimed as applied above (*see claims 3, 19 and 35*). The multimedia apparatus wherein the database includes an installation status table containing installation information for particular software programs identifiable by the multimedia apparatus (*see col. 5, 27-31*).

Regarding **claims 5, 21 and 37**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 33*). The multimedia apparatus wherein the processing device is configured to identify said software program (CD-ROM or other multimedia medium) by deriving a unique identifier from unique elements intrinsic to said software program (*see col. 3, lines 13-15*).

Regarding **claims 6, 22 and 38**, DorEl discloses everything claimed as applied above (*see claims 5, 21 and 37*). The multimedia apparatus wherein the processing device is further configured to match said unique identifier (identifier) to the installation information in the database (IST) (*see col. 5, lines 48-50*).

Regarding **claims 7, 23 and 39**, DorEl discloses everything claimed as applied above (*see claims 5, 21 and 37*). The multimedia apparatus wherein the processing device is further configured to derive said unique identifier (identifier or fingerprint) by computing a hash function derived from a file allocation table of the portable recording medium (*see col. 5, lines 39-47*).

Regarding **claims 8, 24 and 40**, DorEl discloses everything claimed as applied above (*see claims 1, 21 and 33*). The multimedia apparatus wherein the processing device is configured to be backward compatible to play those software programs that are formatted to be executed on at least one personal computer platform without requiring prior modification to such software programs (*see col. 4, lines 8-31*).

Regarding **claims 9, 25 and 41**, DorEl discloses everything claimed as applied above (*see claims 8, 24 and 40*). The multimedia apparatus wherein the processing device is compatible with an operating system selected from the group consisting of DOS, Linux, Mac OS, and Windows (*see col. 4, lines 24-31 (windows)*).

Regarding **claims 10, 26 and 42**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 41*). The multimedia apparatus wherein the processing device is configured to identify the software program independent of external networks (*see col. 7, lines 37-50*).

Regarding **claims 11, 27 and 43**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 41*). The multimedia apparatus wherein the output means is configured to provide the image data in a format compatible for display by a television monitor in the home entertainment system (*see col. 2, lines 57-67 and col. 3, lines 1-2*).

Regarding **claims 12, 28 and 44**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 41*). The multimedia apparatus wherein the processing device is configured to perform personal computer tasks and the output means is configured to provide the image data in a format that does not require a computer monitor (see col. 2, lines 5-11 and col. 7, lines 19-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 13-15 and 29-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over DorEl (U.S. Patent No. 5,721,951) in view of Ooe (U.S. Patent No. 5,901,328)

Regarding **claims 13 and 29**, DorEl discloses everything claimed as applied above (see *claims 1 and 17*). DorEl discloses a method for automatically installing a software program from a CD-ROM/DVD, facilitating automatic installation of the software program (see col. 3, lines 3-15).

However, DorEl fails to specifically disclose storing an instruction set in a header information area of the CD-ROM/DVD.

Ooe discloses storing an instruction set in a header information area of the disk (see col. 12, lines 28-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of DorEl to include storing an instruction set in a header information area of the disk as taught by Ooe for the advantage of improving performance.

Regarding **claims 14 and 30**, DorEl and Ooe discloses everything claimed as applied above (*see claims 13 and 29*). DorEl discloses the multimedia apparatus wherein the software program comprises a game (see col. 8, lines 9-14).

Regarding **claims 15 and 31**, DorEl and Ooe discloses everything claimed as applied above (*see claims 13 and 29*). DorEl discloses the multimedia apparatus wherein the instruction set comprises a script (see col. 5, lines 60-66).

Regarding **claim 32**, DorEl and Ooe discloses everything claimed as applied above (*see claims 13, 29 and 45*). DorEl discloses the multimedia apparatus wherein the instruction set comprises an installation script (see col. 5, lines 60-66).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna Ekpo/
Patent Examiner, Art Unit 2425
March 19, 2010.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425

